

### **REMARKS/ARGUMENTS**

Claims 51-77, 79-81, 89-109 are pending in the application. Claims 51-62, 78, and 93 have been canceled without prejudice or disclaimer of the subject matter described therein. Claim 63 has been amended to incorporate the limitations of Claim 73. Claim 73 has been canceled without prejudice. New Claims 95-108 have been added. New Claims 95-108 are directed to the subject matter identified as Species II in the restriction requirement mailed August 6, 2008. No new matter has been added.

#### **Allowable Subject Matter**

The office action indicates that Claims 79-81 and 89-92 are allowed. Assignee thanks the Examiner for so indicating.

The office action further indicates that Claims 65, 73, and 75 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. As stated above, amended Claim 63 has incorporated Claim 73, and is therefore allowable. Because Claims 65 and 75 depend on an allowable amended Claim 63, those claims too are allowable.

New Claim 95 includes setting the notch filter to a depth of 0dB in response to the measured amplitude at the candidate frequency not being reduced by the predetermined amount of reduction, similar to allowable Claim 65. Therefore, Assignee respectfully suggests New Claims 95 - 107 are allowable.

New Claim 108 is Claim 75 rewritten in independent form, and is therefore allowable as indicated in the Office Action. New Claim 109 depends on New Claim 108, and is therefore allowable.

**The 35 USC § 102 and 35 U.S.C. § 103 Rejections**

Claims 63, 64, 66-68, 71, and 94 were rejected under 35 USC § 102(b) as being anticipated by Lewis. Claims 69, 70, and 72 were rejected under 35 USC § 103(a) as being unpatentable over Lewis as applied to Claim 63, and further in view of Bernstein (U.S. Patent No. 5,912,880). Claims 74, 76, and 77 were rejected under 35 USC § 103(a) as being unpatentable over Lewis. Claim 63 was amended to incorporate the subject matter of Claim 73 and Claim 73 was indicated as allowable if placed in independent form. Thus, Claim 63 and the Claims dependent therefrom are allowable, and Assignee respectfully requests withdrawal of the 35 U.S.C. §§ 102(b) and 103(a) rejections of Claims 63-72 and 74-77.

**SUMMARY**

In view of the foregoing remarks, pending claims 63-72, 74-77, 79-81, 89-92, and 94-109 are patentable. Should the Examiner deem a telephone conference to be beneficial in expediting examination/allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

\_\_\_\_\_  
/Robert G. Pluta/

Robert G. Pluta  
Registration No. 50,970  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
CUSTOMER NUMBER 81166  
(312) 321-4200